

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RONALD L. BRADY and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, White City, OR

*Docket No. 00-2829; Submitted on the Record;
Issued June 27, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly terminated appellant's compensation effective October 22, 1999 on the grounds that he no longer had disability due to his March 14 and July 9, 1997 employment injuries after that date.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the July 27, 2000 decision of the Office hearing representative is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ The Office hearing representative properly determined that the termination of appellant's compensation was justified by the March 31, 1999 report of Dr. Thad C. Stanford, a Board-certified orthopedic surgeon who served as an Office referral physician. Dr. Stanford's opinion that appellant no longer had residuals of his March 14 and July 9, 1997 employment injuries, cervical and thoracic strains, was based on a complete factual and medical history. He provided medical rationale for his opinion by explaining that appellant exhibited no objective evidence of his employment injuries; that he did not sustain an employment-related herniated cervical disc; and that his problems could be explained by his preexisting degenerative condition and nonfunctional behavior. Appellant submitted reports in which Dr. Ruth Lowengart, an attending Board-certified internist specializing in orthopedic medicine, indicated that he sustained employment-related herniated cervical discs, but she did not provide adequate medical rationale in support of this opinion. Dr. Lowengart noted that diagnostic testing taken in November 1999 showed herniated discs, but the Board has held that the fact that a condition manifests itself during a period of employment does not establish causal relationship; *see William Nimitz, Jr.*, 30 ECAB 567, 570 (1979). It appears that Dr. Lowengart last examined appellant in August 1998 and the record does not contain a report of an attending physician with a rationalized opinion on causal relationship from around the time of the termination of appellant's compensation.

The July 27, 2000 and October 22, 1999 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, DC
June 27, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member